REMARKS

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Thus, the Applicants believe that all of the presented claims are in condition for allowance.

I. REJECTION OF CLAIMS 1-17 AND 19-38 UNDER 35 U.S.C. §102

The Examiner rejected claims 1-17 and 19-38 as being anticipated under 35 U.S.C. §102(e) by the Boivie et al. patent (U.S. Patent No. 6,415,312, issued July 2, 2002, hereinafter referred to as "Boivie"). In response, the Applicants have amended independent claims 1 and 9 in order to more clearly recite aspects of the present invention. Claims 6, 14, 17 and 19-38 have been cancelled without prejudice. Applicants do not concede that the subject matter encompassed by claims 6, 14, 17 and 19-38 is not patentable over the art cited by the Examiner; rather, claims 6, 14, 17 and 19-38 were cancelled solely to facilitate expeditious prosecution of the pending claims. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by cancelled claims 6, 14, 17 and 19-38 and additional claims, in one or more continuing applications.

The Examiner's attention is respectfully directed to the fact that Boivie fails to teach or suggest a method for distributing content in which a sender defines the intermediate receivers or nodes though which the packet should travel to its final destination (i.e., a receiver), and in which the packet is encoded with forward error correction coding, as recited in Applicants' independent claims 1 and 9.

By contrast, the cited portions of Boivie at best teach a method in which a recipient of a packet informs the sender that the packet has been successfully received (e.g., by sending an acknowledgement signal). This is not the same as actively encoding the packets at the sender with forward error correction coding (i.e., redundant data), which does not require the recipient to contact the sender. As discussed at least in paragraph [0018] of the Applicants' specification, this allows a recipient of a packet stream to receive only one subset of packets in order to reconstruct the content of the packet stream.

Thus Boivie fails to teach or suggest a system in which a sender defines the intermediate receivers or nodes though which the packet should travel to its final destination (*i.e.*, a receiver), and in which the packet is encoded with forward error correction coding, as recited in Applicants' independent claims 1 and 9. Specifically, Applicants' claims 1 and 9 positively recite:

1.   A method for distributing content to a plurality of receivers, wherein said content is packetized into one or more packets, comprising:
established a multicast distribution tree rooted at a sender and
directing transmission of each of the one or more packets along at least a portion of the multicast distribution tree, the at least a portion of the multicast distribution tree comprising one or more intermediate receivers through which the each of the one or more packets must travel to reach the plurality of receivers,
wherein the sender defines a different set of the one or more intermediate receivers for each of said one or more packets,
and wherein at least some of the one or more packets are encoded with forward error correction coding. (Emphasis added)

9.   A method for distributing content to a plurality of receivers, wherein said content is packetized into at least one packet, comprising:
establishing a multicast distribution tree rooted at a sender; and
directing transmission of the at least one packet along at least a portion of the multicast distribution tree, the at least a portion of the multicast distribution tree comprising one or more intermediate receivers through which the at least one packet must travel to reach the plurality of receivers,
wherein the plurality of receivers and the one or more intermediate receivers are defined by the sender,
and wherein at least some of the one or more packets are encoded with forward error correction coding. (Emphasis added)

Since Boivie fails to teach or suggest a system in which a sender defines the intermediate receivers or nodes though which the packet should travel to its final destination (*i.e.*, a receiver), and in which the packet is encoded with forward error correction coding, Boivie does not teach or suggest each and every element of Applicants' independent claims 1 and 9. Moreover, dependent claims 2-5, 7-8, 10-13, and 15-16 depend, respectively, from independent claims 1 and 9 and recite additional features. As such, and for at least the same reasons set forth above with respect to

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claims 1 and 9, the Applicants submit that claims 2-5, 7-8, 10-13, and 15-16 are also not anticipated and are allowable.

Therefore, Applicants contend that claims 1-5, 7-13, and 15-16 are patentable over Boivie and, as such, fully satisfy the requirements of 35 U.S.C. §102(e). Thus, Applicants respectfully request that the rejection of claims 1-5, 7-13, and 15-16 under 35 U.S.C. §102(e) be withdrawn.
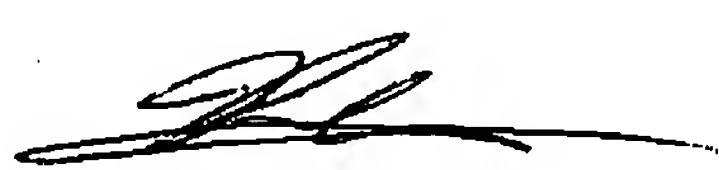
II. CONCLUSION

Thus, the Applicants submit that all of the presented claims fully satisfy the requirements of 35 U.S.C. §102. Consequently, the Applicants believe that all of these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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Date

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